

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

VERIFIED COMPLAINT FOR DAMAGES

COMES NOW the Plaintiff, RUSSELL WARNE, by and through undersigned Counsel, Aaron T. Cress, Esq. (LATE NIGHT LAW, LLC), and hereby respectfully complains and shows as follows.

PARTIES, JURISDICTION & VENUE

1. Plaintiff Russell Warne, Ph.D. is a resident of the State of Georgia.
2. Defendant RationalWiki Foundation, Inc. d/b/a RationalMedia Foundation, is a New Mexico nonprofit corporation and 501(c)(3), EIN 27-3197280, with its principal place of business located in New Mexico, at 122 Girard Ave NE Albuquerque, NM 87106.
3. Defendant Trent Toulouse is a resident of Albuquerque, New Mexico and was a Board Trustee of Defendant RationalWiki Foundation, Inc. at all times relevant.
4. Defendant Larry Will is a resident of Mount Airy, Maryland and a Board Trustee of Defendant RationalWiki Foundation, Inc., who goes by the online pseudonym “Cosmikdebris.”
5. Defendant Simon Hughes is a U.K. subject, a resident of Taiwan, and a Board Trustee of Defendant RationalWiki Foundation, Inc., who goes by the online pseudonym “Spud.”

6. Defendant John Doe 1 is a resident of Kansas and a Board Trustee of Defendant RationalWiki Foundation, Inc., whose identity is unknown to Plaintiff upon reasonable investigation, and who goes by the online pseudonym “DuceMoosolini.”

7. Defendant John Doe 2 is an editor of Defendant RationalWiki Foundation, Inc.’s website, whose identity is unknown to Plaintiff upon reasonable investigation, and who goes by the online pseudonym “Oldman4.” Upon information and belief, this individual is a subject and resident of the United Kingdom.

8. The Court has personal jurisdiction over the Defendants by virtue of their continuous and systematic business contacts with New Mexico.

9. Plaintiff invokes the Court’s subject matter jurisdiction under 28 U.S.C. § 1332, because the matter in controversy exceeds the sum or value of \$75,000, exclusive of costs and interest, and because no Defendant is a resident of the same state as the Plaintiff.

10. Venue is proper before the Court.

GENERAL ALLEGATIONS

I. RATIONALWIKI FOUNDATION, INC. IS AN INFORMATION CONTENT PROVIDER

11. Under 47 U.S.C. § 230, an “interactive computer service” is afforded certain protections from civil liability. However, Section 230 distinguishes between an “interactive computer service,” and an “information content provider,” which does not enjoy such protections.

12. Section 230 defines an “interactive computer service” as “any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server...” 47 U.S.C. 230(f)(2).

13. Section 230 defines an “information content provider” as “any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the internet or any other interactive computer service.” 47 U.S.C. 230(f)(3).

14. Defendant RationalWiki Foundation, Inc. (“RWF”) is an information content provider.

15. RWF hosts, maintains and operates a website, at <https://rationalwiki.org> (the website, hereinafter referred to as, “RationalWiki”).

16. RWF was founded and incorporated in 2011 by Defendant Trent Toulouse, a resident of New Mexico.

17. Since 2011, Toulouse has served continuously as both a Board Trustee, and Operations Manager, of RWF, and is the publisher of RationalWiki.

18. The Operations Manager position is the sole operational position within RWF.

19. As Operations Manager, Toulouse has the sole ability to alter settings and create functions and extensions on the website server, which is located in New Mexico.

20. Toulouse operates and manages RationalWiki—the website—from New Mexico.

21. New Mexico is the principal geographic locus of RWF’s and RationalWiki’s operations.

22. RWF is governed by a Board of Trustees. Other than Toulouse, and an individual named David Gerard, all past and current Trustees use pseudonyms on RationalWiki.

23. Since 2011, only twenty-seven individuals have ever served as Trustees of RWF.

24. RationalWiki has over 8,000 discrete articles and millions of unique monthly visitors.

25. RationalWiki’s “Community Standards” page was created and heavily edited by Defendant Toulouse, and has been edited by Defendants Will, Hughes and Does 1-2 within the last three years. The page states, *inter alia*, that: (i) RationalWiki articles should take a “snarky” (meaning snide or derisive) tone; that (ii) RationalWiki has a “scientific point of view,” meaning

that “our articles take the side of the scientific consensus on an issue”; and that (iii) all content on RationalWiki must conform to the “RationalWiki Mission.”

26. The “RationalWiki Mission” page, in turn, states, *inter alia*, that:

The RationalWiki Mission is:

1. Analyzing and refuting pseudoscience and the anti-science movement;
2. Documenting the full range of crank ideas;
3. Explorations of authoritarianism and fundamentalism.
4. Analysis and criticism of how these subjects are handled in the media.

We also have a fifth, unofficial purpose, which is to provide people who agree with the previously-stated goals a place to just hang out and have fun with like-minded people.

RationalWiki is not a general encyclopedia; it does not require articles on every known subject. However, the wiki's mainspace welcomes many articles that do not relate to the primary missions of RationalWiki providing that they are factually accurate and of interest to the community at large. These include articles on general science, historical events and important individuals throughout the world.

27. Various other policy pages on RationalWiki explicate and clarify this viewpoint further.

For example, each of the six underlined words in the above-quoted portion of the RationalWiki Mission denotes a hyperlink, which opens a separate page containing an article on that topic, i.e., on “pseudoscience,” “authoritarianism,” etc. These articles further define what is meant by those terms as they are used in the RationalWiki Mission statement and throughout RationalWiki.

28. RationalWiki holds its content out as scientifically authoritative, and objective truth. For example, a fundraiser banner that has appeared at the top of every page on RationalWiki since late 2024 reads, in part, “Fighting pseudoscience isn’t free.” This banner links to a “Fundraiser” page that was created by Defendant Toulouese and has been edited within the last year by Defendants Will and Doe 2. That page states that, “we are hundreds of volunteers who document pseudoscience and crankery around the world every day... [W]e believe we play an important role in defending truth and objectivity.”

29. RationalWiki claims that anyone with access to the internet can “edit” (i.e., contribute to the content of) the website, by authoring or editing the articles that appear there, in the nature of an interactive computer platform as defined under 47 U.S.C. § 230(f)(2).

30. This is not true in practice.

31. A very particular, highly ideologized, and readily identifiable left-liberal view of what is rational, what constitutes legitimate science, and what constitutes scientific consensus, pervades all of RationalWiki’s articles, with virtually no variation.

32. Editors’ contributions that contravene this viewpoint are quickly removed from RationalWiki by a core of specialized editors, which includes Defendants Trent Toulouse, Larry Will, Simon Hughes, and John Doe 1.

33. This core of specialized editors actively, regularly, and aggressively enforces RationalWiki’s Mission and viewpoint. Articles that are not “on mission” are deleted or altered, edits that are not “on mission” are quickly reverted, and editors who do not uphold the Mission are blocked from contributing.

34. This core of specialized editors includes techs, moderators, and sysops.

35. Techs, moderators, and sysops are elevated to their positions by the decision of other techs and moderators, and are given authority to alter, block and censor content by rank-and-file editors in order to enforce the “Mission.”

36. Techs and moderators have more extensive authority to block and censor than sysops and other editors do.

37. While there are approximately 1000 sysops, there are only 15 techs (seven of whom, including Defendants Will and Toulouse, are current and/or past RWF Board Trustees) and six

moderators (three of whom, including Defendants Hughes and Doe 1, are current and/or past RWF Board Trustees).

38. Extensive canvassing of the articles on RationalWiki reveals that the vast majority of articles appearing there have been edited by one or more past or current Board Trustees, and that Defendants Toulouse, Will, Hughes and Does 1-2 have each edited thousands of articles and confer with one another, with other past and present Trustees, and with other techs and moderators, about what content to alter or censor, in “Talk,” “Saloon,” and “Chicken Coop” pages on RationalWiki.

39. RationalWiki’s Mission and viewpoint of what constitutes legitimate science are so rigid, ideologized and dogmatic that, e.g., an article on the website, about the world-renown (and thoroughly mainstream) physicist Michio Kaku describes Kaku as “a crank” who has “unorthodox views,” and compares Kaku to the notorious conspiracy theorist David Icke (who has no more than a high school education and is famous for propounding his belief on social media that world leaders are “lizard people,” i.e., shape-shifting reptiles from another planet.)

40. No particular background, knowledge, training, or credential—academic, scientific, or otherwise—is required to be an editor, tech, moderator, or sysop of RationalWiki. The only requirements are to adhere to RationalWiki’s Mission and uphold its point of view, and submit to oversight by the specialized editors.

41. Most techs, moderators and sysops are anonymous and use pseudonyms on the website.

42. An article created by Toulouse in 2011, titled “Legal FAQ,” has appeared on RationalWiki continuously since that time. It describes RationalWiki as a “content producer.” This article has been edited by Toulouse, by past Trustee and current tech David Gerard, as well as by Defendant Will, under the pseudonym “Cosmikdebris.”

43. Individuals who are the subject of laudatory articles on RationalWiki are those whose views conform to the RationalWiki point of view. However, consistent with RationalWiki's Mission of "fighting [so-called] pseudoscience," most articles about individuals on RationalWiki are disparaging and accuse the subjects of being cranks, fascists and pseudoscientists.

44. When a disparaging article about an individual appears on RationalWiki, this suggests that the person who is the subject of the article is a crank, a fascist, or pseudoscientist.

II. DEFENDANTS ARE DEFAMING PLAINTIFF

45. Plaintiff Russell Warne is a psychologist who earned a Ph.D. from Texas A&M.

46. Dr. Warne was a tenured professor at Utah Valley University, where he taught from 2011-2022. He is the author of *Statistics for the Social Sciences*, a widely-used textbook for undergraduates, published in 2017 by Cambridge University Press.

47. Currently, Dr. Warne is Chief Scientist of RIOT IQ, a start-up which seeks to develop a scientifically accurate and widely accessible online IQ exam.

48. Dr. Warne is also the author of *In the Know*, published in 2020 by Cambridge University Press, which provides an overview of the science of human intelligence for a lay readership.

49. Plaintiff is not a public figure.

50. RationalWiki contains an article titled "Russell T. Warne."

51. The article portrays Dr. Warne as a white nationalist and his work as pseudoscience.

52. The article is false because Dr. Warne is not a white nationalist or a pseudoscientist.

53. The article was published on RationalWiki in Feb. 2024 and has remained published and viewable on the website since that time. The article was first authored by Defendant Doe 2, and has been edited several times within the last year by Defendant Will.

54. The article states that, “Russell T. Warne is an American psychologist, hereditarian, eugenicist, and pro-natalist who has defended race realism pseudoscience and is a writer for the far-right *Aporia Magazine*.”

55. This statement is false because Dr. Warne is not a hereditarian, is not a eugenicist, and has never defended any kind of pseudoscience.

56. Each of the underlined words in the above-quoted passage, as it appears in the article about Dr. Warne, denotes a hyperlink which opens a separate page on RationalWiki, containing an article on that topic, i.e., on “hereditarianism,” “eugenics,” etc. These articles further define what is meant by each of those terms, according to RationalWiki.

57. The article on “hereditarianism” has been edited multiple times each by Defendants Will and Doe 2, within the last three years. That article defines “hereditarianism” as follows:

Hereditarianism is a racist pseudoscience that argues mean differences in IQ between human populations (socially constructed races and ethnic groups) are significantly the result of genetics.

58. This definition is false because hereditarianism is not a pseudoscience.

59. Even by RationalWiki’s own definition of “hereditarianism” quoted above, Dr. Warne is not a hereditarian, because he has never espoused the idea that IQ differences between groups “are significantly the result of genetics.”

60. On the contrary, Dr. Warne’s consistent position throughout his career has been that it is not known how significant the genetic influence on intergroup IQ differences is.

61. Dr. Warne has publicly articulated this position repeatedly in both scholarly and lay publications, many of which are mentioned, cited, and discussed in the RationalWiki article about him.

62. For example, Dr. Warne's book, *In the Know* is discussed at length in the RationalWiki article about him.

63. In *In the Know*, Dr. Warne states on page 257 that “the total impact of these alleles [i.e., genetic variants] is still too small to explain any non-trivial amount of the IQ gap between racial groups.” And at pages 262-263, he states that,

I do not believe that the evidence permits an accurate estimate of [between-group heritability] for any racial group IQ comparison beyond stating that [the value] is greater than zero for some pairs of groups... More research in more countries is needed before scientists can understand better what typical [between-group heritability] values are and how, when, and why they may differ... how strong heritability is between groups is unknown.

64. Dr. Warne has also publicly articulated this position on at least two podcast appearances.

65. One of these podcasts has been available on YouTube since Nov. 2024.¹ In it, Dr. Warne states that,

Within the U.S., I think the evidence is pretty strong that there is a partially genetic reason [for average differences in IQ across racial or ethnic groups], but I don't think the evidence is strong enough to say how strong the genes are... We don't have that level of evidence when talking about racial groups in the U.S. or the U.K., let alone other countries. I think that we know that it's more than zero, but for all I know, 3% of these differences might be genetic, or it might be 30, or 83. I don't know.

66. Another of these podcasts² is explicitly mentioned in the first paragraph of the RationalWiki article about Dr. Warne (and a screenshot from that podcast appears at the top of the page), where the article states that, “He is also a speaker on [the *Aporia*] podcast with white nationalist Bo Winegard.” In that podcast, Dr. Warne state that,

I do think that if, within the U.S., the group differences among racial groups in intelligence, if it is only 3%, 5%, 10%, 15%, it is probably so trivial that, you know, it probably won't have that much of an impact on day-to-day life... I think that we don't know if the genetic contribution is trivial or not.

¹ “35 Myths About Human Intelligence with Russell Warne.” *Amazing Academics*. Nov. 27, 2024. YouTube. <https://www.youtube.com/watch?v=hOzMS4Hc038&t=2627s> (timestamp 43:47-44:35)

² “The Science and Controversies of Human Intelligence.” *Aporia Podcast*. June 24, 2023. YouTube. https://www.youtube.com/watch?v=9KKN_7iwsAg&t=2383s (timestamp 39:44-40:50)

67. In the abstract of a 2021 article in *The American Journal of Psychology*, Dr. Warne stated that “the exact degree to which genes influence intergroup mean differences in intelligence is not known.” This article is mentioned twice (at footnotes 16 and 17) in the RationalWiki article about Dr. Warne.

68. Thus, Defendants know that by their own definition (in the RationalWiki article about hereditarianism) Dr. Warne is not a hereditarian (i.e., he does not “argue[] mean differences in IQ between human populations... are significantly the result of genetics.”) ”

69. Because RationalWiki defines “hereditarianism” as a pseudoscience, by calling Dr. Warne a hereditarian (and hyperlinking to the RationalWiki article that defines hereditarianism as a pseudoscience), the article about Dr. Warne portrays him as a pseudoscientist.

70. Dr. Warne is not a pseudoscientist. On the contrary, Dr. Warne has published over sixty scholarly articles. All of his empirical and theoretical scholarly work has appeared in peer-reviewed scientific journals—mostly in Q1 journals³—and his empirical work uses established scientific methods in psychology and educational research.

71. The RationalWiki article on “Eugenics” (also hyperlinked from the article about Dr. Warne), has been edited by Defendant Toulouse, and was edited within the last three years by Defendants Will and Doe 1. It defines eugenics as “the purported study of applying the principles of artificial selection and selective breeding through altering human reproduction with the goal of changing the relative frequency of traits in a human population.”

72. Because RationalWiki defines “eugenics” in this manner, by calling Dr. Warne a “eugeneticist” (and hyperlinking to the RationalWiki article about eugenics), the article about Dr. Warne asserts that this definition of “eugenics” applies to Dr. Warne and his work.

³ Q-score is an index of a scholarly journal’s reliability, with Q1 being the top ranking.

73. That definition does not apply to Dr. Warne's work. Dr. Warne is not a eugenicist, and has never engaged or purported to engage in "the... study of applying the principles of artificial selection and selective breeding through altering human reproduction with the goal of changing the relative frequency of traits in a human population."

74. Even under more charitable definitions of eugenics, Dr. Warne has never advocated or participated in any interventions to alter the genetics of any population.

75. Indeed, Dr. Warne has explicitly denounced eugenics, in publications that are mentioned or discussed in the RationalWiki article about him.

76. Elsewhere in the RationalWiki article about Dr. Warne, it states "Warne is also supportive of eugenics and has stated: 'Everybody becomes a eugenicist when they have to choose a sperm or egg donor.'" (Here, again, the underlined word denotes a hyperlink to the RationalWiki article titled "Eugenics.")

77. This statement is misleading, because the quote it contains from Dr. Warne ("[e]verybody becomes a eugenicist when they have to choose a sperm or egg donor") hardly makes him "supportive of eugenics," and certainly not by the definition of "eugenics" in the hyperlinked RationalWiki article (the one titled, "Eugenics").

78. The article on "Eugenics" goes on to state that,

Most eugenicists believe that the goal of humanity is to achieve racial purity and exterminate people they deem not racially pure [through] abortion, forced sterilization, and mass murder.

79. Because RationalWiki characterizes "eugenicists" in this manner, by calling Dr. Warne a "eugenicist" and "supportive of eugenics" (and by hyperlinking to the RationalWiki article about eugenics) at the same time that it calls him a racist and "far-right," the article about Dr. Warne

strongly implies that this characterization (i.e., “Most eugenicists believe that the goal of humanity is to achieve racial purity and exterminate people [etc.]”) applies to Dr. Warne.

80. That characterization does not apply to Dr. Warne. On the contrary, Dr. Warne has explicitly denounced racism and racist atrocities, including in publications that are mentioned, discussed, and cited in the RationalWiki article about him.

81. For example, Dr. Warne decried the complicity of the educated classes in Nazi atrocities, in an article for *Aporia Magazine* that is cited in the third footnote to the RationalWiki article about him.⁴

82. In *In the Know*, at page 298, Dr. Warne refers to the Supreme Court’s decision in *Buck v. Bell* upholding a Virginia law permitting forced sterilization, as “a tragedy.” He states at page 303 that “There is no possible justification for beliefs or practices that rob people of their human rights and/or dignity.” At pages 314-315, he advocates for strong legal protections against vulnerable people to protect them from the types of actions that past eugenicists engaged in, such as genocide and forced sterilization.

83. Dr. Warne has publicly denounced eugenics in numerous other places, including on his X account, which is mentioned in, and hyperlinked from, the RationalWiki article about him.

84. In the RationalWiki article about Dr. Warne, at the bottom of the page, a list of “categories” appears, which Dr. Warne purportedly belongs in. These categories include “Racism,” and “Racialism pseudoscientists.” Each of the “categories” in the list is hyperlinked to another page on RationalWiki which lists individuals who purportedly belong in that category.

⁴ See “The rise and fall of social psychology.” Warne, Russell. *Aporia*. Dec. 5, 2023. <https://www.aporiamagazine.com/p/the-rise-and-fall-of-social-psychology>

85. On the page titled “Categories:Racialism pseudoscientists,” which has been edited within the past two years by Defendant Will, RationalWiki lists Dr. Warne as one of fifty-three supposed “racialism pseudoscientists.”

86. The “Categories:Racialism pseudoscientists” page, which lists Dr. Warne, hyperlinks to a RationalWiki article titled “Racialism,” which defines that term as follows:

Racialism (also known as **scientific racism**) is a set of far-right pseudoscientific ideas which hold that humanity can at all be meaningfully divided into biological categories (“races”) that are both broad (each category should include many humans, such as entire continents’ populations) and clearly-defined (the categorization method should rarely misidentify someone’s “race”). Racialism implies that these races are substantially physiologically different from each other to a degree which necessitates biological classification similar to or below the species level and that these racial differences strongly determine the abilities and behavior of individuals and peoples. In short, racialism holds that biology neatly divides humans.

87. Dr. Warne is not a “racialism pseudoscientist” and has never espoused any such ideas.

88. On the contrary, Dr. Warne has explicitly articulated his opposition to such ideas, in publications that are mentioned, discussed, and cited in the RationalWiki article about him.

89. For example, in *In the Know*, at pages 249-250, Dr. Warne states that,

[T]here is no single trait that all members of a racial group share and that is absent from all non-group members... [R]acial categories have vague, poorly defined boundaries and can overlap... because the boundaries among groups are fuzzy, the number of human groups is flexible... There is no set number of racial or ethnic groups in the world...

90. In his 2021 article in *The American Journal of Psychology* (which is mentioned twice in the RationalWiki article about Dr. Warne, at footnotes 16 and 17), Dr. Warne stated that,

[I]t is essential to recognize that these populations in recent evolutionary history are all the product of ancient admixtures of lineages that had previously split from the basal human population (Reich, 2018). Racial groups are not static, unchanging populations and never have been. Rather, current groups are identifiable at a particular point in human evolutionary history; analyses of DNA from ancient humans produce racelike groupings that do not align with modern racial groupings. These ancient genetic populations intermixed, branched off, or merged with other groups to produce modern racial groups. As a result, modern racial groupings make sense for contemporary populations, but there is nothing enduring or unchanging about any group...

91. Thus, Defendants know that even by their own definition of racialism (in the RationalWiki article titled, “Racialism”) Dr. Warne is not a racialist.

92. Regarding *In the Know*, the RationalWiki article about Dr. Warne states that, “Warne argues for biological races in his book *In the Know*... However, his claims about race have no scientific basis and have been debunked...”

93. This statement is false.

94. *In the Know* is a book to which Cambridge University has affixed its imprimatur. It cites 948 sources, the vast majority of which are scholarly peer-reviewed journals and books.

95. The RationalWiki article about Dr. Warne further states that,

Warne is chief scientist of an organization called Riot IQ... The Riot IQ [account] on X.com is supportive of the far-right HBD account eyeslasho that posts about the inferiority of black people^[34], commenting that ‘our team members follow you and enjoy your posts’...

96. The source cited (in footnote 34 of the above-quoted passage) links to an archived version⁵ of an article originally published in *The Atlantic*, authored by Ali Breland, and titled “‘Race Science’ Is Inching Its Way Across the American Right.”

97. The Breland article was originally published online Aug. 20, 2024, at 1:22pm EDT.

98. At 6:34pm EDT that same day, the Breland article was updated⁶ with the following correction:

This article originally misstated that the X account @Eyeslasho has posted about the ‘genetic inferiority’ of Black people. In fact, the account has not directly attributed group differences to biology.

99. Thus, the assertion that Dr. Warne works for a company that is “supportive” of an X account “that posts about the inferiority of black people” is false, and the citation to an archived

⁵ <https://archive.is/bXbLh>

⁶ <https://www.theatlantic.com/technology/archive/2024/08/race-science-far-right-charlie-kirk/679527/>

version of the Breland article that omits the correction (rather than to the corrected article which remains published on *The Atlantic* website) is misleading.

100. The RationalWiki article about Dr. Warne includes the following statements:

“He is also a speaker on [the *Aporia*] podcast with white nationalist Bo Winegard...
 “Warne has obtained funding from [the] white nationalist Human Diversity Foundation...
 “Warne’s race and intelligence research is popular with white nationalists...”

101. Thus, the article strongly implies that Dr. Warne is a “white nationalist.”

102. “White nationalist” is not just an epithet but denotes a peculiar ideology.

103. “White nationalist” is defined by Merriam Webster’s Dictionary as “one of a group of militant white people who espouse white supremacy and advocate enforced racial segregation.”⁷ It is defined similarly by the Cambridge Dictionary, as “someone who believes that white people... should have the most power, authority, and rights in a country...”⁸

104. Dr. Warne is not a white nationalist.

105. Other articles on RationalWiki also mention Dr. Warne in a defamatory manner.

106. An article titled, “International Society for Intelligence Research,” which has been edited within the past two years by Defendants Will, Hughes, and Does 1 and 2, states that,

International Society for Intelligence Research (ISIR) is a scientific society for psychologists who specialise in human intelligence that has gained notoriety as some of its members and speakers have promoted eugenics and racialist pseudoscience... ISIR has been a magnet to far-right extremists and white nationalists. Past speakers of the annual ISIR conferences include... Russell T. Warne.

107. This passage strongly implies that Dr. Warne is an “extremist” and a “white nationalist.”

108. Dr. Warne is not an “extremist” or a “white nationalist.”

⁷ <https://www.merriam-webster.com/dictionary/white%20nationalist>

⁸ <https://dictionary.cambridge.org/us/dictionary/english/white-nationalist>

109. On the contrary, as noted in the RationalWiki article about him, Dr. Warne was employed by the U.S. Army in 2024. While employed there, Dr. Warne was never disciplined, investigated, denied a promotion, or involuntarily terminated.

110. As of 2024, the Department of Defense maintained and enforced strong policies against extremism and white nationalism, including among civilian employees of the Army.

111. Defendants were aware that DoD has such policies, and that Dr. Warne was an Army employee, at the time it published the article about him, and the ISIR article.

112. For example, DoD Instruction 1325.06, Change 2, effective Dec. 20, 2021, defines extremism, in part, as “Advocating widespread unlawful discrimination based on race, color, national origin, religion, sex (including pregnancy), gender identity, or sexual orientation.”

113. This policy clearly defines “extremism” in a manner that necessarily includes white nationalism.

114. This definition does not apply to Dr. Warne nor to any of his activities, because he is not an extremist or a white nationalist.

115. Defendants’ characterization of Dr. Warne as an extremist and a white nationalist is false.

116. An article on RationalWiki titled “Aporia Magazine” states that “Russell T. Warne [is] a psychologist and hereditarian who has defended race realism pseudoscience... His race and intelligence research is popular with white nationalists.”

117. This statement falsely suggests that Dr. Warne is a white nationalist, and a pseudoscientist.

118. In the RationalWiki article about Dr. Warne, at the bottom of the page, in the list of “categories” Dr. Warne supposedly belongs in, one such category listed there is, “Racism,” and

that term is hyperlinked to another page on RationalWiki, titled “Categories:racism,” which lists individuals and topics that purportedly belong in that category.

119. On the “Categories:Racism” page, a conspicuous, highlighted note appears in bold font, which reads, “*See the main article for this category, Racism.*” The underlined word denotes a hyperlink which links to an article titled “Racism.” That article defines “racism” as follows:

Racism is the belief that humans can be meaningfully defined into biological ethnic categories in order to separate supposed superior from inferior races and/or generally showing discrimination or hostility against a person(s) on the basis of their race. It is based upon the irrational belief that superficial differences among races ‘determine cultural or individual achievement.’

120. By categorizing Dr. Warne under “racism” and listing him on the “Categories:racism” page, Defendants assert that Dr. Warne is a racist to whom that definition applies.

121. That definition does not apply to Dr. Warne.

122. On the contrary, in *In the Know*, at page 326, Dr. Warne states that “[racial] discrimination does not make scientific sense,” and he further states on page 327 that,

The moral of the story is simple: *judge people as individuals* and don't consider an irrelevant factor like their race. This maxim applies to identifying the most intelligent person, the most competent employee, the best sprinter, or the best college student. If anything, this statistical evidence [about intelligence] should reinforce anti-discrimination efforts, not undermine them.

III. PLAINTIFF IS BEING DAMAGED

123. The “Russell T. Warne” article was published on RationalWiki in Feb. 2024 and has remained published and viewable on the website since that time.

124. For many months, the article ranks on the first page of Google search results, as the second search result for Dr. Warne’s name, immediately beneath the Google search result for Dr. Warne’s own website.

125. Defendants are aware that RationalWiki’s “page rank” on Google is abnormally high, and that, as a result, when they publish disparaging articles like the one about Dr. Warne, this is likely to cause considerable reputational damage to the subjects and targets of that content, and is likely to discourage third parties from dealing with the individual subjects targeted.

126. Because the article ranks on the first page of Google search results for Dr. Warne’s name, Dr. Warne’s colleagues and potential business associates see the article when they search for Dr. Warne on Google.

127. To have an article appear prominently in Google search results for a person’s name, which falsely portrays that person as a racist, a eugenicist, a white nationalist, and a pseudoscientist—alongside highly particularized and deeply stigmatizing definitions of those terms—is inherently damaging, humiliating, and stressful.

128. The “Russell T. Warne” article has caused potential business associates to refrain from dealing with Dr. Warne.

129. Dr. Warne has devoted considerable business resources attempting to have the article’s rank lowered in Google search results.

130. The “Russell T. Warne” article has caused Dr. Warne and his immediate family members humiliation, stress, mental anguish, and suffering.

131. Business associates of Dr. Warne have expressed serious concerns to him about the article and have suggested that it may jeopardize their business relations with Dr. Warne, thus causing Dr. Warne significant stress and mental anguish.

132. In 2024, Dr. Warne applied for a part-time position in his field, which he was ultimately denied because the persons considering him for the position were exposed to the RationalWiki

article about him, and as a result they became concerned about the reputation of their organization if they were to hire Dr. Warne.

ENUMERATED CAUSES OF ACTION

WHEREFORE the Plaintiff, RUSSELL WARNE, Ph.D., as a direct and proximate result of Defendants' misconduct, has been damaged, and hereby pleads the following causes of action against Defendants, whom he seeks to hold liable:

COUNT I
Defamation
Against All Defendants

133. Plaintiff incorporates by reference all preceding paragraphs.

134. Defendants published false statements of fact about Plaintiff to third parties.

135. Defendants published aforesaid false statements without privilege.

136. Aforesaid third parties understood the false statements to have defamatory meaning.

137. Defendants published the false statements while knowing they are false.

138. Defendants published the false statements with reckless disregard for the truth.

139. Defendants published the false statements negligently.

140. As a direct and proximate result of Defendants' defamation, the Plaintiff has suffered and continues to suffer pecuniary damages and reputational harm, humiliation, mental anguish and suffering, and is entitled to compensatory damages, punitive damages, pre- and post-judgment interest, attorney's fees and all costs of bringing this action, and such other and further relief as the Court deems just and equitable.

COUNT II
Invasion of Privacy: False Light
Against All Defendants

141. Plaintiff incorporates by reference all preceding paragraphs.

142. Defendants published false statements of fact about Plaintiff in public fora, attributing false characteristics to Plaintiff.

143. The characteristics which Defendants falsely attributed to Plaintiff are highly offensive to a reasonable person.

144. Defendants intentionally portrayed Plaintiff in a false light before the community.

145. Defendants recklessly portrayed Plaintiff in a false light before the community.

146. Defendants portrayed Plaintiff in a false light without privilege.

147. Defendants' false light invasion of privacy is wanton and willful.

148. As a result of Defendants' false light invasion of privacy, Plaintiff has suffered humiliation, mental anguish, and suffering.

149. As a direct and proximate result of Defendants' false light invasion of privacy, the Plaintiff has been damaged, and is entitled to compensatory damages, punitive damages, attorney fees and all costs of bringing this action, and such other and further relief as the Court deems just and equitable.

COUNT III
Conspiracy
Against All Defendants

150. Plaintiff incorporates by reference all preceding paragraphs.

151. Defendants intentionally agreed to defame Plaintiff and violate Plaintiff's privacy.

152. Defendants agreed to defame Plaintiff and violate Plaintiff's privacy with knowledge of unlawfulness.

153. One or more Defendants acted overtly in furtherance of aforesaid agreement to defame.

154. One or more Defendants acted overtly in furtherance of aforesaid agreement to invade privacy.

155. Defendants participated in the maintenance of a webpage dedicated to defaming Plaintiff, by publishing, editing, and monitoring content on the webpage.

156. As a direct and proximate result of Defendants' conspiracy, the Plaintiff has suffered and continues to suffer pecuniary damages and reputational harm, humiliation, mental anguish and suffering, and is entitled to compensatory damages, punitive damages, pre- and post-judgment interest, attorney's fees and all costs of bringing this action, and such other and further relief as the Court deems just and equitable.

COUNT IV
Prima Facie Tort
Against All Defendants

157. Plaintiff incorporates by reference all preceding paragraphs.

158. Defendants jointly and severally committed intentional acts directed at Plaintiff.

159. Defendants committed aforesaid acts with intent to injure the Plaintiff.

160. Defendants committed aforesaid acts without justification.

161. Aforesaid acts were wanton and willful.

162. Aforesaid intentional acts were otherwise lawful.

163. Plaintiff was damaged as a result of aforesaid acts.

164. As a direct and proximate result of Defendants' prima facie tort, the Plaintiff has been damaged and is entitled to compensatory damages, punitive damages, attorney fees and all costs of bringing this action, and such other and further relief as the Court deems just and equitable.

JURY DEMAND

Plaintiff demands a trial by jury of all issues so triable.

PRAYER FOR RELIEF

WHEREFORE the Plaintiff, RUSSELL WARNE, Ph.D., hereby respectfully prays the Court's relief, as follows:

- I. Compensatory damages in the amount to be proven at trial.
- II. Punitive damages.
- III. Pre- and post-judgment interest.
- IV. Attorney's fees and all costs of bringing this action.
- V. Such other and further relief as the Court deems just and equitable.

Respectfully Submitted,

LATE NIGHT LAW, LLC

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